



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: June 27, 2017

DATE: May 30, 2017
TO: Board of County Commissioners
FROM: Dave Solaro, Arch., P.E., Director
Community Services Department, 328-3600, dsolaro@washoecounty.us
THROUGH: Kevin Schiller, Assistant County Manager
SUBJECT: For possible action to approve a Resolution to initiate an amendment to Washoe County Code Chapter 110 (Washoe County Development Code), section 110.422.15 [to remove the water rights dedication requirement] for commercial, industrial, or civic uses in areas not served by Truckee Meadows Water Authority. (All Commission Districts.)

SUMMARY

The Community Services Department, through the County Clerk, requests (pursuant to Washoe County Code 2.030) to initiate proceedings to amend Washoe County Code Chapter 110 (Washoe County Development Code) amending the current requirement for dedication of water rights to Washoe County for commercial developments not served by the Truckee Meadows Water Authority.

Washoe County Strategic Objective supported by this item: Safe, secure and healthy communities.

PREVIOUS ACTION

On October 27, 2015 the Board of County Commissioners (Board) held a second reading and adopted ordinance 1568 amending chapter 100 section 422 related to changes necessary due to the merging of the Washoe County Water Utility with the Truckee Meadows Water Authority.

On October 13, 2015 the Board held a first reading and initiation of ordinance 1568 amending chapter 100 section 422 related to changes necessary due to the merging of the Washoe County Water Utility with the Truckee Meadows Water Authority.

BACKGROUND

Currently Washoe County development code requires under Article 422 any commercial, industrial, or civic project which relies on an onsite well as their source of water supply to:

- Acquire the necessary ground water rights,

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- Acquire necessary permit approval from the State Engineer's office for the change in the point of diversion (POD) place of Use (POU) and Manner of Use (MOU) to conform with the project,
- Dedicate by a water rights deed said water rights to Washoe County,
- Washoe County in turn will execute a Water Sale Agreement (WSA) which leases back the water rights to the applicant for 99 years at no lease cost. The consideration for the lease is that the applicant bear the cost and the effort of maintaining the water right permit in good standing by filing all necessary proofs with the State Engineer,
- If the project discontinues, the WSA is cancelled and the water rights are re-conveyed to the applicant by appropriate deed approved by Board.

A request from the Board to eliminate the requirement for dedication of water rights to Washoe County and subsequent water sale agreement has been received by staff. This initiation of amendment to the Development Code begins the process.

Pursuant to WCC Section 110.818.05(a), the Board of County Commissioners or the Washoe County Planning Commission may initiate amendments to Washoe County Code Chapter 110, Development Code, through resolution. Staff believes it is appropriate for the Board to initiate this specific proposed Development Code amendment.

FISCAL IMPACT

The proposed code changes are not expected to increase costs. This ordinance is exempt from the Business Impact Statement pursuant to NRS 237.060 (2)(c).

RECOMMENDATION

It is recommended that the Board of County Commissioners approve a Resolution to initiate an amendment to Washoe County Code Chapter 110 (Washoe County Development Code), section 110.422.15 for commercial, industrial, or civic uses in areas not served by Truckee Meadows Water Authority.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move to approve a Resolution to initiate an amendment to Washoe County Code Chapter 110 (Washoe County Development Code), section 110.422.15 for commercial, industrial, or civic uses in areas not served by Truckee Meadows Water Authority."



**RESOLUTION OF THE WASHOE COUNTY
BOARD OF COUNTY COMMISSIONERS**

**INITIATING AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110,
DEVELOPMENT CODE, AT ARTICLE 422, WATER AND SEWER RESOURCE
REQUIREMENTS**

Whereas, Section 110.818.05 of the Development Code requires that amendments to the Development Code be initiated by resolution of the Washoe County Commission; and

Whereas, the Board of County Commissioners provided direction to amend the Washoe County water and sewer resource requirements code for commercial, industrial, or civic uses in areas not served by Truckee Meadows Water Authority [by removing the water rights dedication requirement]; and

Now, therefore, be it resolved that pursuant to Washoe County Code Section 110.818.05(a) that an amendment is initiated to the Washoe County Code Chapter 110, Development Code, at Article 422 as set forth in the agenda for the June 27, 2017 meeting of the Washoe County Board of County Commissioners, that a public hearing with the Washoe County Planning Commission on the amendment shall be held within 125 days of this resolution's adoption date, and that this amendment is initiated without prejudice to its final disposition.

ADOPTED on June 27, 2017.

WASHOE COUNTY
BOARD OF COUNTY COMMISSIONERS

ATTEST:

Nancy Parent, Washoe County Clerk

Bob Lucey, Chairman